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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	Nos. CR 06-00777 DLJ
)	CR 07-00779 DLJ
Plaintiff,)	
)	GOVERNMENT'S SENTENCING
v.)	MEMORANDUM
)	
DAVID CHARLES BAILEY)	DATE: April 4, 2008
(aka "Dung"),)	TIME: 10:00 a.m.
)	
Defendant.)	Honorable D. Lowell Jensen

For the reasons set forth in the proposed Plea Agreement filed on or about January 11, 2008, and set forth in the Presentence Investigation Report (PSR) dated March 24, 2008, the government respectfully requests that the Court accept the proposed Plea Agreement, follow the recommendation of the parties,¹ and sentence defendant, David Charles Bailey, to 151 months

¹The Probation Officer also recommends at least a substantially similar sentence. In the table set forth on the first page of the "Sentencing Recommendation" in the PSR, the Probation Officer recommends the same sentence as the parties: 151 months imprisonment, 3 years of supervised release, and the mandatory \$200 special assessment. In the narrative "Justification" section on the following page, however, the Probation Officer recommends that the prison component of the sentence be 155 months.

GOVT. SENT. MEM.;
CR 06-00777 DLJ and CR 07-00779 DLJ

1 imprisonment (the low end of the applicable guideline range of imprisonment resulting from
2 defendant's status as a Career Offender), 3 years of supervised release, and the mandatory \$200
3 special assessment.

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5 DATED: April 2, 2008

Respectfully submitted,

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JOSEPH P. RUSSONIELLO
7 United States Attorney

8 _____
/s/
9 H. H. KEWALRAMANI
Assistant United States Attorney